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PATENT APPLICATION
ATTORNEY NO.: DKT00123

#6
368

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Sakamoto)
Application No. 09/874,137)
Filed: June 5, 2001)
Title: SILENT CHAIN)
Group)
Art Unit: 3682)
Examiner: N/A)

CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231.

04/29/02
Date

J. A. Birmingham
Registration No. 51,222
Attorney for Applicant

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MAY 10 2002

GROUP 3600

PETITION TO ACCEPT DECLARATION

Commissioner of Patents and Trademarks
ATTENTION: Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Applicants have received a Notice of Incomplete Reply, mailed March 11, 2002, indicating the non-receipt of the executed Declaration of the above-referenced application. (Ex. A.) However, the executed Declaration was timely filed by deposit in First Class Mail to the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers on January 28, 2002. Accordingly, Applicants hereby petition the Commissioner to accept the Declaration and accord the application the U.S. filing date of June 5, 2001 and the priority date of June 5, 2000.

The attached copy of the Response to Notice to File Missing Parts shows that the Declaration was timely filed on January 28, 2002, as indicated on the certificate of mailing. (Ex. B.) Moreover, the reply postcard states that the Response to Notice to File Missing Parts was received in full, including the executed Declaration, on February 14, 2002. (Ex. C.) The postcard did not

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indicate that any part of the Response to Notice to File Missing Parts was missing. A copy of the executed Declaration, filed with the Response to Notice to File Missing Parts on January 28, 2002, is enclosed herewith.

In view of the foregoing, Applicants have established receipt in the USPTO of the executed Declaration and request that the Commissioner grant this petition to accept the executed Declaration and accord the application the U.S. filing date of June 5, 2001 and the priority date of June 5, 2000.

The Commissioner is hereby authorized to charge \$130.00 for the petition fee under 1.17(h) to Deposit Account No. 06-1135.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

By: 

Jon A. Birmingham
Registration No. 55,122

Dated: April 29, 2002
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